

## § 73.735-101

### Subpart E—Gifts, Entertainment, and Favors

- 73.735-501 Prohibited acceptance of gifts, entertainment, and favors.
- 73.735-502 Permissible acceptance of gifts, entertainment, and favors.
- 73.735-503 Criminal provisions relating to gifts, entertainment, and favors.
- 73.735-504 Gifts to official superiors.
- 73.735-505 Acceptance of awards and prizes.
- 73.735-506 Gifts and decorations from foreign governments.
- 73.735-507 Acceptance of travel and subsistence.
- 73.735-508 Other prohibitions.

### Subpart F—Political Activity

- 73.735-601 Applicability.
- 73.735-602 Permissible activities.
- 73.735-603 Prohibited activities.

### Subpart G—Outside Activities

- 73.735-701 General provisions.
- 73.735-702 Criminal prohibitions on outside activities.
- 73.735-703 Statutory prohibitions related to employment by a foreign government.
- 73.735-704 Professional and consultative services.
- 73.735-705 Writing and editing.
- 73.735-706 Teaching, lecturing, and speech-making.
- 73.735-707 Holding office in professional societies.
- 73.735-708 Administrative approval of certain outside activities.
- 73.735-709 Annual reporting of outside activities.
- 73.735-710 Maintenance of records.

### Subpart H—Financial Interest

- 73.735-801 Participation in matters affecting a personal financial interest.
- 73.735-802 Executive order prohibitions.
- 73.735-803 Prohibition against involvement in financial transactions based on information obtained through Federal employment.
- 73.735-804 Waiver of the prohibitions in this subpart.
- 73.735-805 Advice and guidance on conflicts matters.
- 73.735-806 Documentation and publication of opinions.

### Subpart I—Reporting Financial Interests

- 73.735-901 Reporting requirement of the Ethics in Government Act of 1978.
- 73.735-902 Reporting requirements for certain employees not covered by the Ethics in Government Act of 1978.
- 73.735-903 Action if conflicts of interest or possible conflicts are noted.

## 45 CFR Subtitle A (10-1-02 Edition)

- 73.735-904 Resolution of apparent or actual conflicts of interest.

### Subpart J—Provisions Relating to Experts, Consultants and Advisory Committee Members

- 73.735-1001 Coverage.
- 73.735-1002 Ethical standards of conduct.
- 73.735-1003 Conflicts of interest statutes.
- 73.735-1004 Requesting waivers or exemptions.
- 73.735-1005 Salary from two sources.
- 73.735-1006 Reporting financial interests.
- 73.735-1007 Political activity.

### Subpart K—Special Government Employees Other Than Consultants

- 73.735-1101 General provision.

### Subpart L—Disciplinary Action

- 73.735-1201 General provisions.

### Subpart M—Reporting Violations

- 73.735-1301 Responsibility for reporting possible criminal violations.
- 73.735-1302 Responsibility for reporting allegations of misconduct.
- 73.735-1303 Prohibition of reprisals.
- 73.735-1304 Referral of matters arising under the standards of this part.

### Subpart N—Conduct and Responsibilities of Former Employees

- 73.735-1401 Prohibitions against post-employment conflicts of interest.
- APPENDIX A TO PART 73—LIST OF SOME OFFENSES FOR WHICH DISCIPLINARY ACTION MAY BE TAKEN
- APPENDIX B TO PART 73—CODE OF ETHICS FOR GOVERNMENT SERVICE

AUTHORITY: 5 U.S.C. 7301, 42 U.S.C. 216; E.O. 11222, 30 FR 6469; 5 CFR 735.101 *et seq.*

SOURCE: 46 FR 7369, Jan. 23, 1981, unless otherwise noted.

### Subpart A—General Provisions

#### § 73.735-101 Purpose.

To assure that the business of the Department of Health and Human Services (HHS) is conducted effectively, objectively, and without improper influence or the appearance of improper influence, employees and special Government employees must be persons of integrity and must observe high standards of honesty, impartiality, and behavior. They must not engage in any conduct prejudicial to the Government

and must avoid conflicts of private interests with public duties and responsibilities. In accord with these principles, the regulations in this part are issued to inform HHS employees and special Government employees what standards of conduct are expected of them in performing their duties and what activities are permitted or prohibited both while they are employed and after their employment with the Department is ended.

#### § 73.735–102 Definitions.

In this part:

(a) *Employee* means an officer or employee of HHS other than a special Government employee and includes Commissioned Officers of the Public Health Service who are on active duty, and individuals on assignment or detail to HHS pursuant to the Intergovernmental Personnel Act (5 U.S.C. 3371–3376). The term also includes HHS employees who are detailed to non-Federal or other Federal organizations. At times the term “regular employee” is used in place of “employee” to make a clear distinction between special Government employees and others employed by the Federal government.

(b) *Special Government employee* means an individual who is retained, designated, appointed, or employed to perform temporary duties either on a full-time or intermittent basis, with or without compensation, for not to exceed 130 days during any period of 365 consecutive days.

(c) *Person* means an individual, a corporation, a company, an association, a firm, a partnership or any other organization.

(d) *Former employee* means a former employee of HHS or former special Government employee as defined in paragraph (b) of this section.

(e) *Principal Operating Component* has the meaning given to that term in the Department’s General Administration Manual. In addition, when used in these regulations, it includes the Office of the Secretary.

(f) *Department* means the Department of Health and Human Services.

#### § 73.735–103 Applicability.

(a) The regulations in this part apply to all employees of the Department and

to special Government employees to the extent indicated in Subparts J and K. They apply whether an employee is on leave, including leave without pay, or on duty.

(b) These regulations may be supplemented by regulations governing principal operating components, or subunits of principal operating components, provided the clearance and publication requirements for standards of conduct regulations are met and approval is obtained from the Department Ethics Counselor and the Assistant Secretary for Personnel Administration.

### Subpart B—Responsibilities

#### § 73.735–201 Employees and supervisors.

(a) Employees and special Government employees shall be responsible for observing all generally accepted rules of conduct and the specific provisions of law and the regulations of this part that apply to them. They are required to become familiar with these regulations and to exercise informed judgments to avoid misconduct or conflicts of interest. They shall secure approvals when required and file financial disclosure reports or statements in accordance with the provisions of this part. Failure to observe any of these regulations may be cause for disciplinary action. Some of the provisions are required by law and carry criminal penalties which are in addition to any disciplinary action which could be taken. When employees have doubts about any provision, they should consult their supervisor, personnel office, or the Department Ethics Counselor or a deputy counselor.

(b) Supervisors, because of their day-to-day relationships with employees, are responsible to a large degree for making sure high standards of conduct are maintained. They must become familiar with the Department’s standards of conduct regulations and apply the standards to the work they do and supervise. Supervisors shall take suitable action, including disciplinary action in accordance with Subpart L of these regulations, when violations occur.